IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Crl.MC.No. 1165 of 2007()

CC.90/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL

.....

PETITIONER/ACCUSED:

JAVAD HUSSAIN, S/O. SHAHUL HAMEED
AGED 33 YRS. A.S. MANZIL, CHATHARUKONAM
VELLALLOOR VILLAGE, SEEMANTHAPURAM
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENT/COMPLAINANT:

STATE OF KERALA REP. BY THE SUB INSPECTOR
OF POLICE, PALLIKKAL, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

Crl.M.C.No. 1165 of 2007

- -

Dated this the 12th day of April, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 498A I.P.C. The crime was registered as early as in 2003. The petitioner surrendered before the learned Magistrate in 2007. The case now stands posted to 26.5.2007. According to the petitioner, he has to return to his place of employment abroad on 10.5.2007. He prays that there may be a direction to the learned Magistrate for early disposal of the case.

2. It is for the petitioner to seek such an early disposal before the learned Magistrate. Having not done the same, I find no merit in the petitioner rushing to this Court for direction regarding early disposal. However, I take pity on the plight of the petitioner. He can of course request the learned Magistrate to take up the case for disposal before he leaves for his employment abroad or seek permission of the learned Magistrate to go to his place of employment so that he can return in time for trial. Either way, the petitioner must make application before the learned Magistrate. I have no

reason to assume that the learned Magistrate would not consider such application to be filed by the petitioner, sympathetically and in accordance with law.

3. With the above observations, this Crl.M.C. is dismissed.

4. Hand over copy to the learned counsel for the petitioner, who can produce the same along with the application to be filed by the petitioner before the learned Magistrate.

(R. BASANT)
Judge

tm